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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,244	05/10/2001	Gordon Good	PA3996US	4076

22830 7590 08/07/2007  
CARR & FERRELL LLP  
2200 GENG ROAD  
PALO ALTO, CA 94303

EXAMINER
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CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

**Office Action Summary**

Application No.

09/852,244

Applicant(s)

GOOD, GORDON

Examiner

Paul Callahan

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 25, 2007 has been entered.

2. Claims 1-36 are pending in the instant application and have been examined.

### ***Response to Arguments***

3. Applicant's arguments and a supporting affidavit were filed July 25, 2007.

The affidavit was provided with a supporting document and indeed references the supporting document. However, nowhere on the document is there a date indicating when it was first available to the public, therefore it cannot be considered as prior art to the instant application and may not act to preempt any references applied in the rejections of the claims. Additionally, the document was not provided in an IDS submission (PTO 1442) as per 37 C.F.R. Sec. 1.97 and 1.98.

Applicant's arguments filed July 25, 2007 have been fully considered but they are not persuasive.

The applicant argues in traverse of the rejections of the claims under 35 USC 102, as anticipated by Rothermal US 6,678,827, by asserting that Rothermal fails to teach the features found in the independent claims of expanding at least one template at a central location and subsequently providing the expanded information to a plurality of computing devices. The applicant maintains that the cited portions of Rothermal merely teach provision of a template to a computing device and subsequently expanding the template at the device. The Examiner counters that, while Rothermal does indeed teach such local expansion where a network security device (henceforth NSD) receives a template and then expands it by the addition of NSD specific information, the Rothermal patent also teaches expansion of a template at a central location with later distribution of the expanded information to a plurality of computing devices. For example, in col. 10 line 8 through col. 11 line 17 Rothermal teaches the use of a graphical user interface by an administrator to establish a security policy (e.g. Alias lists) in a template with subsequent distribution of the template to a plurality of computing devices (NSD's). Such establishment of security policies for a network in a template does read on the applicant's claim limitation of "expansion" of a template as further developed in the arguments presented July 25, 2007 where the Applicant states that expansion of a template at a central location comprises using those templates at the centralized location.

The applicant asserts that Rothermal fails to teach the use of an XML document. However the Examiner maintains that such is indeed taught at the cited passages.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rothermal et al., US 6,678,827.

6. As for claims 1-36, no changes have been made to the language of the claims via the latest amendment. Consequently no changes are necessitated in the rejections of the claims as set forth in the previous (final) Office Action. Therefore the rejections of the claims as found in the previous Office action will not be repeated herein, but instead are hereby incorporated in their entirety by reference to the previous Office Action. The applicant is referred to the previous Office Action for the text of the rejections.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Paul Callahan*

/Paul E. Callahan/  
August 1, 2007

*Emmanuel L. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER